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20  
21 IN THE UNITED STATES DISTRICT COURT  
22  
23 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

24 **DAVID CODELL PRIDE, JR.,**

25 Plaintiff,  
26  
27 v.  
28

29 **M. CORREA, et al.,**

30 Defendants.

31 07-CV-1382-BEN (JMA)  
32  
**DEFENDANTS' NOTICE OF MOTION  
33 AND MOTION TO DISMISS  
34 PLAINTIFF'S CLAIM FOR  
35 INJUNCTIVE RELIEF**

36 Hearing: February 29, 2008  
37 Time: 10:00 a.m.  
38 Courtroom: D  
39 Judge: The Honorable Jan  
40 M. Adler

41 **NO ORAL ARGUMENT REQUIRED**

42 TO DAVID PRIDE, Plaintiff in pro per:

43 PLEASE TAKE NOTICE that on February 29, 2008, at 10:00 a.m., or as soon  
44 thereafter as the matter can be heard in the above-referenced Court located at 940 Front Street,  
45 San Diego, California, Defendants M. Correa, M. Levin, T. Ochoa, and L. Santiago will move  
46 this Court to dismiss Plaintiff's claim for injunctive relief under Federal Rule of Civil Procedure  
47 12(b)(6) on the ground that Plaintiff's request for injunctive relief is barred by the *Plata* class-  
48 action.

This motion is based upon this notice of motion and motion, the supporting memorandum of points and authorities, Defendants' request for judicial notice, and this Court's file.

Dated: January 18, 2008

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of the State of California

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **David Codell Pride, Jr. v. M. Correa, et al.**

No.: 07-CV-1382-BEN (JMA)

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On January 18, 2008, I served the attached **DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S CLAIM FOR INJUNCTIVE RELIEF** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

David Codell Pride, Jr.  
CDCR No. H-61218  
Calipatria State Prison  
P.O. Box 5005  
Calipatria, CA 92233-5005

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 18, 2008, at San Diego, California.

K. Alvarez

Signature

**Declarant**

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